

Respondent next argues and the Appeals Board agrees that the demand letter sent in this case lacks the requisite specificity to be enforceable. K.S.A. 44-512(a) provides that the demand must set forth ". . . with particularity the items of disability and medical

compensation claimed to be unpaid and past due . . .". The letter at issue in this case demanded ". . . payment of any and all benefits ordered paid . . . and . . . compliance with all other provisions in the enclosed order." The demand did not set forth the items of disability and compensation claimed to be unpaid. The Order enclosed with the demand was an Order approving the Award as required by K.S.A. 44-551, as amended S.B. 59, 1995, for orders not appealed. The Order did not specify what was unpaid.

It seems clear in this case that respondent should have known what items were unpaid. No payments have been made under an agreed upon award. However, the statute requires that the items claimed to be past due be set forth with particularity. This requirement eliminates any issue about whether a respondent knew or should have known what benefits were past due. While in this case we expect respondent knew what was due, the demand letter sent in this case did not set forth the items claimed unpaid and past due. The Appeals Board is compelled to adhere to and enforce the statute. The demand letter is therefore, unenforceable.

WHEREFORE, the Appeals Board finds that the Order of Administrative Law Judge John D. Clark dated January 31, 1995 should be and the same is hereby affirmed.
IT IS SO ORDERED.

Dated this ____ day of May, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Lawrence M. Gurney, Wichita, Kansas
Frederick L. Haag, Wichita, Kansas
John D. Clark, Administrative Law Judge
George Gomez, Director